

FILED

SEP 04 2001

DAVID W. DANIEL, CLERK  
US DISTRICT COURT  
E. DIST. N. CAROLINA

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

5:01 DIVISION

Brenda Alston  
vs.  
Underwriters Laboratories  
Inc.

NO. 5:01-CV-412-BO(3)  
COMPLAINT

1. Plaintiff resides at 5500 Juniper Ave  
Raleigh NC 27603-4312

2. Defendant(s)' name(s) Ronita Caldwell, Kathy Cole  
Melvin Fehrenbacher, Bill Castello and Steve Schmid

Location of principal office(s) of the named defendant(s):  
Underwriters Laboratories, Inc  
12 Laboratory Drive RTP NC 27709

Nature of defendant(s)' business: Test for consumer  
safety

Approximate number of individuals employed by defendant:  
550 - 600

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on this Court by 42 U.S.C. § 2000e-5.

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Equitable and other relief are also sought under 42 U.S.C. § 20003-5(g).

4. The acts complained of in this suit concern:

- (A) ☒ Failure to employ me.
- (B) ☒ Termination of my employment.
- (C) ☒ Failure to promote me.
- (D) \_\_\_\_\_ Other acts as specified below:

I believe I was discriminated against in violation of Title VII of the Civil Rights Act of 1964, as Amended, because of my race, AA, and my gender, Female; in retaliation for complaining about racial & sexual harassment in the work environment. I believe that the company discriminates against females & Blacks, as classes, by subjecting them to a racially and sexually offensive & hostile work environment. I believe that the company established policy prohibits retaliation for complaining about racial and/or sexual harassment. I didn't violate the company's comp policy & my supervisor approved all of my request for comp time. No reason was given for taking away company benefits I had previously enjoyed. I was given a written reprimand. In early 12/99 to 2/01 I was racially, sexually harassed & subjected to a racially & sexually offensive & hostile work environment which was created by the actions of co-workers, managers all Caucasians. When I complained to UL HR Dept & to my team leaders no action was taken to resolve my complaint. UL HR Director asked me to not submit my grievance to my supervisor, but to Dept Mgr until she could investigate, I didn't receive help from HR & later learned that HR was not working in my best interest. I submitted my grievance anyway.

5. Plaintiff is:

- (A) \_\_\_\_\_ presently employed by the defendant.
- (B) ☒ not presently employed by the defendant.

The dates of his employment were 12-8-97

2-9-01. Employment was terminated

because:

- (1) ☒ plaintiff was discharged.
- (2) \_\_\_\_\_ plaintiff was laid off.
- (3) ☒ plaintiff left job voluntarily.

6. Defendant(s)' conduct is discriminatory with respect to the following:

(A) ☒ my race.

(B) ☒ my religion.

(C) ☒ my sex.

(D) \_\_\_\_\_ my national origin.

(E) \_\_\_\_\_ other as specified below:

\_\_\_\_\_  
\_\_\_\_\_

7. The name(s), race, sex, and the position or title of the individual(s) who allegedly discriminated against me during the period of my employment with the defendant company is (are)

Ronita Caldwell - Black, Female, UL HR Director  
Cathy Cole - " " UL HR Assistant  
Melvin Ehrenbecher - white, M, Regional Operations Leader  
Bill Costello - " " " " "  
Lori Silkwood - white, Female, Operations Leader  
Steve Schmid - white, male, Dept. mgr.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. The alleged discrimination occurred on or about  
Dec 99 - Feb 01

9. The nature of my complaint, i.e. the manner in which the individual(s) named above discriminated against me in terms of the conditions of my employment is as follows:

12/99 - Racial, Sexual, Offensive & Hostile Work Environment

By: Mel Ehrenbacher, Bill Costello & Lori Sitkwood & Steve Schmid

10/99 - Spoke to HR about Racial, hostile, sexual environment

By: Phyllis Murphy, HR Journalist & Janice Robertsm

11/99 - 01 - violation of Title VII of the Civil Rights due to race

sex, lost of company benefits, work retaliation; company

tries to build a file against me after I had discussed

w/HR my complains about what I was being exposed

to in QRS

10. The alleged illegal activity took place at:

12 Laboratory Drive, RTP, NC 27709

11. I filed charges with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on or about Sept. 2000. I have attached a copy of the Notice-of-Right-to-Sue letter issued by the Equal Employment

Opportunity Commission. This letter was received by me on

Thu March 6, 2001

12. I seek the following relief:

- (A) ✓ recovery of back pay;  
(B) ✓ reinstatement to my former job;  
(C) ✓ trial by jury on all issues so triable;

and any other relief as may be appropriate, including  
injunctive orders, damages, costs and attorney's fees.

6-5-01

DATE

Brenda Dalton

SIGNATURE OF PLAINTIFF

5500 Juniper Avenue

Raleigh NC 27603-4312

ADDRESS AND PHONE NUMBER OF PLAINTIFF

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

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To: Brenda Alston  
5500 JUNIPER AVENUE  
RALEIGH, NC 27603

From: E.E.O.C  
Raleigh Area Office  
1309 Annapolis Drive  
Raleigh, NC 27608-2129

☐ On behalf of a person aggrieved whose identity is **CONFIDENTIAL** ( 29 C.F.R. 1601.7(a) )

Charge Number

141A00701

EEOC Representative

Thomas Colclough

Telephone Number

(919) 856-4075

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ We cannot investigate your charge because it was not filed within the time limit required by law.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You had 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state) \_\_\_\_\_

- NOTICE OF SUIT RIGHTS -

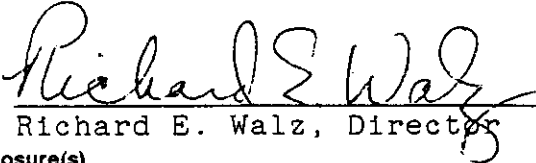
(See the additional information attached to this form)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this Notice; otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit based on this charge, please send a copy of your court complaint to this office.

On Behalf of the Commission

  
Richard E. Walz, Director

2/28/01  
(Date)

Enclosure(s)

cc: UNDERWRITERS LABORATORIES, INC  
12 LABORATORY DRIVE  
DURHAM, NC 27709

CHARGE OF DISCRIMINATION		AGENCY <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.			
_____ and EEOC <i>State or local Agency, if any</i>			
NAME (Indicate Mr., Ms., Mrs.) <b>Ms. Brenda Alston</b>		HOME TELEPHONE (Include Area Code) <b>(919) 779-3598</b>	
STREET ADDRESS <b>5500 Juniper Avenue, Raleigh, NC 27603</b>		DATE OF BIRTH <b>09/21/1965</b>	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME <b>Underwriters Laboratories, Inc.</b>		NUMBER OF EMPLOYEES, MEMBERS <b>Cat C (201-500)</b>	TELEPHONE (Include Area Code) <b>(919) 549-1400</b>
STREET ADDRESS <b>12 Laboratory Drive, Durham, NC 27709</b>		COUNTY <b>063</b>	
NAME _____		TELEPHONE NUMBER (Include Area Code) _____	
STREET ADDRESS _____		COUNTY _____	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify) _____		DATE DISCRIMINATION TOOK PLACE EARLIEST    LATEST <b>01/21/1999    09/18/2000</b> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):			
<p>I. Beginning in early December 1999 and continuing to the present time, I was racially and sexually harassed and I was subjected to a racially and sexually offensive and hostile work environment which was created by the actions of co-workers and management employees, all Caucasians. I have been employed by the above named company since December 1997.</p> <p>II. No reason was given to me for the racial and/or sexual harassment and no reason was given for the racially and sexually offensive and hostile work environment. On several occasions, most recently on August 10, 2000, I complained about such to the human resources director, Ms. Ronita Caldwell, Black, female, and to my team leaders, Mr. Bill Costello, and Mr. Melvin Fehrenbacher, both Caucasian males. However, to date, no action has been taken to resolve my complaints.</p> <p>I believe that the company's established policy prohibits racial and sexual harassment in the work environment, however, this policy is not enforced. Racial and sexual harassment continues to pervade in the work environment and it continues to cause unreasonably adverse interference with my work.</p> <p>III. I believe that I was discriminated against in violation of Title VII of the Civil Rights Act of 1964, as Amended, because of my race, Black, and my gender, female.</p>			
** Text is Continued on Attached Sheet(s) **			
<input checked="" type="checkbox"/> I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary for State and Local Requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
I declare under penalty of perjury that the foregoing is true and correct.		SIGNATURE OF COMPLAINANT  _____	
Date <b>9-26-00</b> <b>Brenda Alston</b>		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Month, day and year)	

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Equal Employment Opportunity Commission  
Form 5 - Charge of Discrimination, Additional Text  
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I. On August 30, 2000, I was given a written reprimand. Also, many company benefits were taken away from me. ✓

II. On August 30, 2000, I was told by my immediate supervisor, Mr. Melvin Fehrenbacher, Caucasian, male, that I was given this reprimand because I had violated the company's compensation time policy. No reason was given for taking away company benefits I had previously enjoyed. ✓

I believe that the company's established policy prohibits retaliation for complaining about racial and/or sexual harassment. I did not violate the company's compensation policy and he had approved all of my requests for compensation time. ✓

III. I believe that I was discriminated against in violation of Title VII of the Civil Rights Act of 1964, as Amended, in retaliation for complaining about racial and sexual harassment in the work environment. ✓

IV. I believe that the company discriminates against females and Blacks, as classes, by subjecting them to a racially and sexually offensive and hostile work environment. ✓